

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	No. CR 07-00610 JF
Plaintiff,	)	
v.	)	<b>STIPULATION AND [Proposed]</b>
BERNADETTE ESCUE,	)	<b>ORDER PERMITTING U.S. PROBATION</b>
Defendant.	)	<b>OFFICE TO PROVIDE COPIES OF ALL</b>
	)	<b>MATERIALS TO COUNSEL FOR THE</b>
	)	<b>PARTIES</b>

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Defendant Bernadette Escue, through counsel, and Plaintiff United States of America, through counsel, and following consultations with the Probation Office, hereby stipulate as follows:

1. At the sentencing hearing on May 8, 2008, the Court deferred ruling on the issue of restitution, setting a further hearing date of July 16, 2008 to address the issue of restitution.
2. Counsel have conferred initially with Lori Timmons, the U.S. Probation Officer handling this matter. All parties (including the Probation Officer) agree that all documents and materials provided thus far by the entities requesting restitution should be provided to the Government, the defense, and the Probation Office, and that all such documents and materials provided in the future should be provided simultaneously to the Government, the defense and the Probation Office.
3. Ms. Timmons has indicated that her office previously has received documents and materials from the entities requesting restitution, but that her office cannot release copies of documents and materials, absent a court order. Nor can she release copies of documents and materials her office receives in the future from the entities requesting restitution, absent a court order.

1           4.     In light of the above, the parties agree and stipulate that all documents and materials  
2 provided thus far by the entities requesting restitution should be provided to the Government and the  
3 defense by the Probation Office, and that all such documents and materials provided in the future by any  
4 entity requesting restitution should be provided simultaneously to the Government, the defense and the  
5 Probation Office.

6           5.     Counsel have provided Ms. Timmons with a copy of this proposed stipulation and order  
7 for review, and she has indicated that this is what is necessary for her office to release the documents  
8 and materials, and that this will be sufficient to do so.

9           **IT IS SO STIPULATED.**

10          Dated: May 12, 2008

Joseph P. Russoniello  
United States Attorney

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12                                /S/ \_\_\_\_\_  
13                                Joseph A. Fazioli  
14                                Assistant United States Attorney

15          Dated: May 12, 2008

16                                /S/ \_\_\_\_\_  
17                                Mark R. Vermeulen  
18                                Attorney for Defendant  
19                                BERNADETTE ESCUE

20                                **ORDER**

21           Based on the foregoing stipulation, and good cause appearing,

22           **IT IS HEREBY ORDERED** that all documents and materials provided thus far by the entities  
23 requesting restitution shall be provided to the Government and the defense by the Probation Office, and  
24 that all such documents and materials provided in the future by any entity requesting restitution shall be  
provided simultaneously to the Government, the defense and the Probation Office.

25           **IT IS SO ORDERED.**

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28          Dated: May \_\_\_\_, 2008

\_\_\_\_\_  
Jeremy Fogel  
United States District Judge